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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,859	08/04/2003	Steve D. Riedel	0432003	5633
7590	10/28/2005		EXAMINER	
Steve D. Riedel 9299 Talus Circle Eden Prairie, MN 55347			GREENE, JASON M	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,859

Applicant(s)

RIEDEL ET AL

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005 and 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 9-13 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The declaration filed on 28 June 2005 is acceptable.

Drawings

2. The drawings were received on 28 June 2005. These drawings are acceptable.

Response to Amendment

3. The 35 USC 112, second paragraph rejection of claim 15 has been withdrawn since the claim has been amended to clarify that the filter cartridge is for the specifically recited vacuum cleaning machines.

Claims

4. The use of several trademarks has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. Specifically, several trademarked vacuum cleaning machines (e.g. OMEGA®,

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ULTIVAC®, SHARK 9000 SERIES II®, etc.) are recited in claim 14 and at page 4, lines 1-7 of the specification.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

5. With regard to claim 2, the Examiner suggests Applicants rewrite the phrase “wherein said outside cartridge has and length” in line 2 as “wherein said cartridge has an outside length” to provide improved antecedent basis and to improve the readability of the claim language.

Claim Objections

6. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Since claim 15 is dependent from cancelled claim 14, it fails to further limit a previous claim. For examination purposes, claim 15 has been treated as though it was dependent from claim 13. If this treatment is correct, the Examiner suggests Applicants amend the claim dependency accordingly.

Furthermore, as previously noted, claim 15 recites the filter cartridge being for one of a plurality of specific vacuum cleaning machines. However, such a recitation is merely functional language of an intended use which fails to positively recite additional structural limitations. Specifically, in paragraph 0005 at page 2 of the specification, Applicants teach the filter cartridge being universally usable in several different vacuum cleaning machines. Therefore, since the same filter cartridge can be used interchangeably in different vacuum cleaning machines, the recitation of the specific vacuum cleaning machines in claim 15 fails to impose additional structural limitations on the filter cartridge. Accordingly, claim 15 fails to further limit the parent claim.

Allowable Subject Matter

7. Claims 1-7 and 9-13 are allowed.
8. Claim 15 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Conclusion

9. Applicants are reminded that both joint inventors must sign all communications since a power of attorney to one of joint inventor has not been filed in this application.

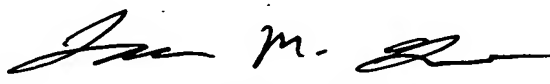
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene
Examiner
Art Unit 1724


10/25/05

jmg
October 25, 2005